



New & Improved Website

WWW.DHMH.STATE.MD.US/BPHE

Be sure to visit our **new and improved** website. Thanks to the combined efforts of Oladunni Akinpelu-IT specialist, Ann Tyminski and her staff, our newly formatted website is up and running. It is very user-friendly and informative.

This is an excellent resource to keep you up to date with all the latest Board news. This is the site you utilize when performing online renewals. Any questions that you might have could very well be answered just by visiting the Board's website.

A list of CEU approvals is available, verifications of licensee status, disciplinary actions, and other useful information.

Also take note that the Practice Act is now accessible on our website. The Laws and Regulations are now readily available at your fingertips. For your convenience, they are print ready.

Expert Witnesses Needed

The Board of Physical Therapy is seeking to expand our pool of expert witnesses/and or peer reviewers. We invite all interested licensees to apply by sending their curriculum vitae, specifying their specialization, years of practice, educational background and their willingness to function as an expert. Report writing and testifying (public speaking) are all necessary skills. The availability to take on these tasks when the need arises is also a consideration. Experts are retained for a

three year period, which can be renewed, and may review multiple case during that time period. There is a \$75.00 per hour remuneration.

We anticipate having enough qualified licensees to enable us to create a "grid" with expert witness options, organized by specialization. Once you have been accepted as an expert/and or peer reviewer, you would be contacted by the Board.

The Board would send you an acknowledgement letter. When the expert is

needed, contact will be made by a Board staff member and materials to be reviewed will be delivered to the expert with specific written instructions as to the issues to be addressed. Experts are retained to conduct an independent review and the report will be reviewed by the Board with the complete investigative report. All interested parties may fax their qualifying information etc. to the Board at 410-358-1183.

Please indicate your area of expertise.

Electronic Venue

During the online renewal process, the Physical Therapy Board has been attempting to update licensees e-mail addresses. An e-mail address is also requested on the initial application for licensure. Our long-term goal is to move toward an electronic venue for all communications. The advantages are numerous. In order for this to be successful, you must keep the Board apprised of any changes to your e-mail address. Read e-mails sent from the Board. Please do not block the Board from your email. The e-mail addresses of Board staff are the staff member's name @dhhm.state.md.us. During renewal, if you do not receive a receipt electronically, check your spam blocker. Keep the Board updated on phone number changes as well as address changes, which can result in a fine if the address is not kept current with the Board per COMAR 10.38.07.02.(10).

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RECENT DISCIPLINARY ACTIONS 2009 ACTIONS

Entire Final Orders and Consent Orders can be viewed on our website at:
www.dhmh.state.md.us/bphte
under Disciplinary Actions.

Please note that the Orders can be Modified by action of the Board.

Robert Boyle, PT LN: 19315
Date of Order (3/17/2009)
Reprimand; Fine of \$1,500

Jessica Burns, PTA LN: A3343
Order of Modification – Date of Order (10/20/09)

Carla Carpenter, PT LN: 17806
Date of Order (10/20/2009)
Probation for at least two years

Alice Cheung, PT LN: 20827
Date of Order (3/17/2009) See 2003 Actions.
License Reinstated - Probation for two years

Arne Delos Reyes, PT LN: 22846
Summary Suspension – Date of Order (11/4/2009)

Romona Edwards, PTA LN: A1469 Applicant for reinstatement – Date of Order (10/20/2009)
Must successfully complete national licensing exam, upon reinstatement, placed on probation for a minimum of three years

Jennifer Doty Frantz, PTA LN: A3081
Date of Order (10/20/2009) - Reprimand

Thomas H. Horn, Jr., PT LN: 15476
Date of Order (8/19/2009)
Permanent Revocation of License

Thompson Ibidun, PT LN: 18394
Date of Order (12/13/2009) Reprimand, fine of \$500

Marwan Khayat, PT LN: 21674
Date of Order (11/5/2009)
Summary suspension
Date of Final Order – Surrender (12/15/2009)

Richard B. Mahnke, PT LN: 21378
Date of Order (7/21/2009) - Reprimand
Placed on probation for at least two years

Katherine Mills, PT LN: 21871
Date of Order (10/20/2009) Probation for one year

David Nobles – Date of Order (3/17/2009)
Civil fine of \$25,000

Carol Tameris, PT LN: 19922
Date of Order (3/17/2009)
Suspended for one year Effective 4/1/09, with all but 90 days stayed. Fine of \$5,000
Two year probation to follow. Suspension ended 6/30/09. Probation begins 7/1/09.
Removed from probation effective 12/15/09.
License is active and in good standing.

Robert Targan – Date of Order (5/19/2009)
Assessed a Civil Fine of \$50,000

Workforce Diversity and Cultural Competency: Publications and Resources

(1) Recent Publications

(arranged by date)

Rieselbach RE, et al. **Addressing the Primary Care Workforce Crisis for the Underserved.** Annals of Internal Medicine published ahead of print, December 14, 2009. Available at: <http://www.annals.org/content/early/2009/12/08/0003-4819-152-2-201001190-00186.full>

Issue of the Journal of Immigrant and Minority Health focuses on **Language, Literacy, and Communication** in health care service delivery. Journal of Immigrant and Minority Health, December 2009, 11(6): 433-533. Table of contents available at: <http://springerlink.com/content/h27h36076746/>

Balcasar F, et al. **Race, Culture and Disability: Rehabilitation Science and Practice.** Sudbury, MA: Jones and Bartlett Publishers, 2010. Book discusses research and practical issues related to race, culture and disability in rehabilitation services. Topics that are covered include disability identity, cultural diversity, challenges to providing culturally competent rehabilitation services, and models for rehabilitation-services training and practice. Ochoa ER, and Nash C. **Community Engagement and Its Impact on Child Health**

Disparities: Building Blocks, Examples, and Resources. Pediatrics, November 2009, 124 (Supplement 3): S237-S245.

Elliott L, and Masters H. **Mental Health Inequalities and Mental Health Nursing.** Journal of Psychiatry and Mental Health Nursing, October 2009, 16 (8): 762-771.

Human Rights Campaign Foundation. **Breaking Down Barriers: An Administrator's Guide to State Law and Best Policy Practice for LGBT Healthcare Access.** May 2009. Available at: http://www.hrc.org/documents/H_R_C_Foundation_-_Breaking_Down_Barriers_-_An_Administrators_Guide.pdf

2) News Clips

New Health Training Facility Will Benefit Carroll, Frederick, and Howard Community Colleges
December 13, 2009

<http://cardin.senate.gov/pdfs/omnicc.pdf>
U.S. Senators Cardin and Mikulski announce the passage of a federal spending bill that includes \$1 million to establish a new health training facility to train future health providers in Maryland. The facility will be based in Mt. Airy, MD, and shared by Carroll, Frederick, and Howard Community Colleges.

Child Support Obligations

Please be advised that Maryland's Child Support Enforcement Administration (the "Administration") may request information from the Maryland Board of Physical Therapy Examiners (the "Board") concerning any licensee who is in arrears in paying child support obligations. Md. Code Ann., Fam. L., § 10-119.3(c)(1). Upon such a request, the Board must provide the Administration with the following information: the licensee's full name, the licensee's address, the licensee's Social Security number, and a description of the license held by the licensee. Fam. L., § 10-119.3(d)(1). Upon request of the Administration, the Board shall suspend or deny an individual's license if the individual is in arrears amounting to more than 120 days under the most recent order or has failed to comply with a subpoena issued by the Administration. Fam. L., § 10-119.3(e). At least 30 days before suspending or denying a license, the Board shall send written notice of

the proposed action to the individual. Fam. L., § 10-119.3(h)(1). If an individual appeals a decision of the Board to suspend or deny a license, the hearing on the matter will be limited to whether the Administration has mistaken the identity of the individual. Fam. L., § 10-119.3(i)(1). The Administration will notify the Board to reinstate a suspended or denied license if the Administration receives a court order to do so, the individual has complied with the subpoena at issue, or the individual has either paid the support arrearage in full or demonstrated good faith by paying the ordered amount of support for 4 consecutive months. Fam. L., § 10-119.3(j).

An order to deny or suspend a license is a public document pursuant to Md. Code Ann., State Gov't Art., §§10-611, *et seq.* The Board strongly encourages its licensees to resolve outstanding child support obligations in order to avoid an interruption of licensure.

FREQUENTLY ASKED QUESTIONS

Q: Are there a maximum number of patients that constitute a group in group therapy?

A: No, there is no specific number. "Group therapy" means treatment procedures provided simultaneously to two or more patients that (a) Require constant attendance, but not one-on-one contact by the physical therapist or physical therapist assistant; and (b) can be, but need not be, the same treatment procedures. The number should be based on professional judgment and ability to provide quality care to each group member.

Q: Can a PTA perform tests and measures?

A: The PTA can perform manual muscle testing, range of motion, and goniometer measurements. The data collected may be documented by the PTA or used by the PT if the PT chooses to use the data as guidance for goals. The scores of the tests should be in the patient chart whether the tests are performed by the PT or PTA. It is appropriate for a PT to incorporate standard measurements in assessing improvement. Scores of tests performed by two or more practitioners may vary.

Q: Does "under the direction of" mean the Licensed PT must be physically with the PTA when the examination is done and treatments administered, or is it enough that the PTA works in a practice with a licensed PT?

A: The Annotated Code of Maryland, Health Occupations Article, Section 13-310 defines the supervision to be given to a PTA. 13-310(b) Supervision required states, "A licensed physical therapist assistant may practice limited physical therapy only under the direction of a licensed physical therapist who gives ongoing supervision and instruction that is adequate to ensure the safety and welfare of the patient." This means that the PT is the first one to see a patient, evaluates the patient for a physical therapy diagnosis and writes a treatment plan that the PTA is to follow. The physical therapist does not need to be on the premises but needs to be available either by telephone, e-mail, or in person for discussion of the patient's physical therapy needs. Any changes in treatment must be made by the physical therapist by writing a revised plan of care. The PTA must know who the supervising physical therapist is and how to contact that physical therapist.

Q: Must the licensed PT put his/her name and license number on each PT report along with the PTA?

A: Each licensee is responsible for his/her treatment notes. The PT does not co-sign the PTA notes.

Q: Will a previous conviction for a narcotic charge deny me from getting my license?

A: Any convictions are considered by the Board at the time of application for licensure. Just be honest in answering the questions that

appear on the application. As a matter of law, a criminal conviction does not act as an absolute bar to obtaining licensure as a physical therapist or physical therapist assistant. Rather, the Board has the discretion to determine, notwithstanding the conviction, whether an applicant would be able to practice physical therapy in a safe, competent and ethical manner. Certainly, the Board would take into consideration, among other things: (1) the nature of the offense; (2) time elapsed since the commission of the offense; (3) satisfactory completion of any sentence imposed; (4) satisfactory completion of professional education and training requirements; and (5) evidence of a rehabilitated lifestyle. However, applicants should also bear in mind that a criminal record may create other obstacles in pursuing a career in physical therapy. Insurance credentialing agencies and/or prospective employers may have certain policies that may hamper the ability to practice physical therapy even if the Board were to grant a license.

Q: I am a PTA student. My instructor insists that it is legal for a licensed PTA to conduct a re-evaluation of a patient so long as the supervising PT signs the treatment note.

A: Physical therapist assistants may not evaluate or re-evaluate patients. Licensed PTAs must sign their own notes. PTAs may only perform the treatments as outlined in the plan of care written by the PT.

Q: Can a PTA perform a screen?

A: PTAs may not perform screens. Since screens involve an assessment as to whether or not a patient would benefit from physical therapy, the screen must be performed by the PT.

Q: Is a discharge note required in any setting?

A: COMAR 10.38.03.02-1A standards of documentation state that the physical therapist shall document legibly the patient's chart each time the patient is seen for (4) "Discharge by including the following information in the discharge summary, which may be combined with the final visit note, if seen by the physical therapist on the final visit and written by the physical therapist: (a) Date, (b) Reason for discharge, (c) objective status, (d) recommendations for follow-up; (e) signature, title (PT) and license number." The intent of this regulation is that a discharge summary must be done for every patient. The note can be brief and can reflect information gathered from the patient's chart (i.e., when a PT comes into the acute care setting and finds the patient has already been discharged.)

Q: Can a physical therapist read the previous physical therapist's note and from those notes write the discharge summary by reviewing the chart?

A: Yes, a physical therapist may write the discharge summary

for patients seen by another physical therapist by reviewing the chart if the treating PT is not available.

Q: Can another therapist write the discharge summary on patients that were seen by a PTA?

A: A PTA can write the treatment note for the last visit but a physical therapist must write the discharge summary.

Q: Can a physical therapist evaluate a patient without a referral?

A: Yes, physical therapists in Maryland have had direct access (autonomous practice) since 1979.

Q: Can a physical therapist make a diagnosis (medical or physical therapy)?

A: A physical therapist must evaluate the patient, write a physical therapy diagnosis (which may be different from the medical diagnosis), write the treatment plan and treat.

Q: Can a PTA treat under the order of an OT or an MD?

A: A PTA can only treat under the supervision of a PT, not an OT or any other health professional.

Q: If a PT has been educated that an order of a physician is in contradiction and potentially harmful to the patient, does the PT have to follow that order?

A: No. However, the PT should contact the physician and explain the contraindications.

CEUs

The American Physical Therapy Association of Maryland has entered into an agreement with two online educators that offer APTA members a discounted rate. The CEU providers are Davis PT Network, an F.A. Davis Company, and Educata. These courses are NOT sponsored by APTA of Maryland, and therefore NOT automatically approved for CEUs. Please visit the Board website at dhmh.state.md.us/bphte under CEUS to determine if a course you are considering has been approved. Don't neglect to check the disapproved list. If you take a course on the disapproved list and submit it for renewal, it will not be accepted, and you would have to substitute another course. If you do not have another appropriate course taken in the correct time frame for renewals, you would need to restate. If you would like the CEU committee to review a course you are considering, please follow the CEU regulations found under 10.38.08.08.(F) "to aid licensees in the selection of appropriate continuing education courses, the Board may review, without charge, a course brochure, outline or agenda before the licensee attends the course, if the request is submitted at least ONE month before the course date."